

WXP
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The Tapes: 'Red Herring'

If the White House tapes contain hard evidence that Richard Nixon is a part of some criminal conspiracy, that he has been lying to the American people for all these months—if, in short, they contain information that will send him to jail, or drive him from office—then it is reasonable to conclude that he wouldn't be giving them up now or ever.

If, on the other hand, they contain no such incriminating evidence, if they contain material that is at worst embarrassing, then why did he fight so long and so desperately to keep them secret?

I don't know, of course, but if I had to make a guess, I'd say: red herring. Some six weeks ago, I ventured a pair of guesses regarding the tapes: that the President would eventually make them available and that it wouldn't matter.

It is just too much to believe that Richard Nixon, believing that his presidency, his credibility and perhaps even his freedom depended on keeping those tapes secret, would nevertheless keep them around unaltered. (It's obviously very easy to destroy or erase taps. And Syntonic Research, Inc., a New York recording company, showed us how easy it is to alter them when it turned the President's Aug. 15 Watergate speech into a "confession" by just rearranging things that the President actually said.)

Some people already have made up their minds that they will have no confidence in the authenticity of the tapes unless they incriminate the President, which is a bit too skeptical. At least it's fair to say that he wouldn't give up tapes that did incriminate him.

But suppose that it wasn't incriminating information but high principle that he was protecting. Wouldn't an accurate transcription of the relevant portions of the tapes have been just

as violative of presidential confidentiality as the actual release of those relevant tapes to Judge Sirica?

The deal that he offered—and that Archibald Cox rejected—already had destroyed the President's argument on the principle of confidentiality and executive privilege. The public never quite understood that confusing issue in the first place.

But they do understand what they've seen and heard over the past several days. They understand that Richard Nixon—who rode into office on an appeal to law and order and who more recently asked the people to stop "wallowing in Watergate" and instead leave the questions of law up to the courts—has:

- Been told by the courts to give up the tapes.
- Appealed that order, and lost.
- Deliberately decided not to pursue the matter to the Supreme Court of the United States for that "definitive" decision he had said he would obey.
- Tried instead to get out of his legal difficulty by firing the independent prosecutor who requested the tapes in the first place.

The public understands that Mr. Nixon says he wants a full and honest investigation of Watergate and related matters but the people who seem to be giving him that full and honest investigation keep losing their jobs.

And because of this public understanding, helped immeasurably along by the events of the past weekend, the White House tapes — ostensibly the trigger for this incredible chain of events—had become almost an irrelevancy by the time he decided to release them.

It would still be interesting to know what is on the tapes. Was it their contents that was responsible for the President's rage? Or was Special Prosecutor Cox getting too close for comfort to something more damning even than Watergate. Did Cox finally have to go because he was about to uncover some other cover-ups?

That somehow seems a more logical explanation of what has been going on than the question of the tapes alone. In fact, before yesterday's capitulation, the President would have been in no worse shape, politically or legally, if he had simply announced that the tapes had been destroyed. Maybe Cox was onto something that can't be erased by the flick of a switch.

Now that Cox is gone, the key question facing the public is not the contents of the tapes but the fitness of Richard Nixon for the presidency. Even if he gave all the tapes, unedited and unaltered, not just to John Sirica but to Sam Ervin, Ralph Nader and Motown Records, it would be clear that he was doing so not out of regard for the law but because his brazen power play of last week simply didn't work.

Richard Nixon already has established his regard for the law: It's fine for so long as it gives him what he wants. And when it doesn't, to hell with it.

Due to late-breaking news developments, Joseph Alsop's column was withdrawn at his request.